



Federal Communications Commission
Washington, D.C. 20554

DA 07-2713
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Ms. Madelon Wetor
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Re: Applications for Renewal of License
WTMJ(TV), Milwaukee, WI (File No. BRCT-
20041001ABM; Fac. ID No. 74098)
WITI(TV), Milwaukee, WI (File No. BRCT-
20050729DRL; Fac. ID No. 73107)
WISN-TV, Milwaukee, WI (File No. BRCT-
20050801CEF; Fac. ID No. 65680)
WDJT-TV, Milwaukee, WI (File No. BRCT-
20050802ADL; Fac. ID No. 71427)

Ms. Wetor and Counsel:

On November 14, 2005, Ms. Medelon Wetor filed an Informal Objection against the above-referenced television broadcast license renewal applications.¹ WDJT-TV Limited Partnership, the licensee of station WDJT-TV, filed an Opposition to the Informal Objection on December 15, 2005. For the reasons set forth below, we deny the Informal Objection.

Ms. Wetor raises concerns with respect to the above-captioned stations' local news programming. She states that the news aired by these stations fails to "provide local viewers with information that enables us to be responsible viewers," but rather consists mainly of "mayhem," "trivial stories," "weather," and "sports."² WDJT-TV Limited Partnership argues in its Opposition that "it is well established that the provisions of 47 U.S.C. §326 and the First Amendment to the Constitution preclude the Federal Communications Commission from evaluating or passing judgment on the nature, content or quality of news or other broadcast programming."³

¹ Attached to the Informal Objection was a "Survey of Local TV News Preference" that included the signatures of 30 participants.

² Informal Objection, at 1.

³ Opposition to Informal Objection, at 1.

Section 309(k)(1) of the Communications Act of 1934, as amended (the “Act”), states that the Commission shall grant a license renewal application if it finds, with respect to that station, that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.⁴ The Commission analyzes any public interest allegation according to a two-step process. The petition must first contain specific allegations of fact sufficient to show that such a grant would be *prima facie* inconsistent with the public interest.⁵ If so, the Commission will designate the application for hearing when the allegations, together with any opposing evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest, or if the Commission is otherwise unable to conclude that granting the application would serve the public interest.⁶ We find that the petition has failed to establish a *prima facie* case that grant of the renewal applications would disserve the public interest.

Section 326 of the Act and the First Amendment to the Constitution prohibit any Commission actions that would improperly interfere with the programming decisions of licensees.⁷ Because journalistic or editorial discretion in the presentation of news and public information is the core concept of the First Amendment’s Free Press guarantee, licensees are entitled to the broadest discretion in the scheduling, selection and presentation of news programming.⁸ Thus, with regard to news programming in particular, the Commission has repeatedly held that “[t]he choice of what is or is not to be covered in the presentation of broadcast news is a matter to the licensee’s good faith discretion,” and that “the Commission will not review the licensee’s news judgments.”⁹ Thus, although Ms. Wetor’s concerns may be legitimate matters for discussion within the Milwaukee community, we do not find that they justify intervention by the Commission in the pending renewal applications.

⁴ 47 U.S.C. §309(k)(1).

⁵ 47 U.S.C. §309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) (“Astroline”).

⁶ *Astroline*, 857 F.2d at 1561; 47 U.S.C. §309(e).

⁷ 47 U.S.C. §326; U.S. CONST., amend. I.

⁸ See, e.g., *National Broadcasting Company v. FCC*, 515 F.2d 1101, 1112-1113, 1119-1120, 1172 (1974), *vacated as moot*, *id.* at 1180, *cert. denied*, 424 U.S. 910 (1976); *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 412 U.S. 94, 124 (1973); *Hunger in America*, 20 FCC 2d 143, 150-51 (1969).

⁹ *American Broadcasting Companies, Inc.*, 83 F.C.C.2d 302, 305 (1980). See also *Dr. Paul Klite*, 12 Com. Reg. (P&F) 79, 81-82 (MMB 1998), *recon. denied sub nom*, *McGraw-Hill Broadcasting Co.*, 16 FCC Rcd 22739 (2001) (denying petition that cited excess of news stories dedicated to “mayhem” and under-coverage of issues involving the environment, arts, science, education, poverty AIDS, children and local elections).

Accordingly, the Informal Objection filed Ms. Madelon Wetor **IS DENIED**.

Sincerely,

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